

MEETING MINUTES
WATER QUALITY ASSURANCE REVOLVING FUND ADVISORY BOARD
Arizona Department of Environmental Quality, 1110 West Washington Street, Room 145
October 19, 2007

Board Members in attendance:

Richard Bark	Kelly Barr
Bridget Bero	David Christiana
Tamara Huddleston	Rick Lavis
Alan Croft	Nancy Petersen
Jim Vieregg	Nick Wallwork
Karen O'Regan (Donn Stoltzfus)	

Board Members Absent:

Steven Besich	Lori Faeth
Karen Gaylord	Amanda Stone
Manuel Ramirez	Lee Stein
Glinda Weddle	

The meeting was called to order at 9:00 a.m.

I. Welcome/Opening Comments/Administrative Issues – Mr. Nick Wallwork, Chairman

A motion was proposed by Ms. Barr and Mr. Lavis to incorporate a resolution in honor of Charles “Chuck” Shipley into the WQARF advisory board minutes. The motion was unanimously passed. Mr. Shipley’s son Colin Shipley attended the meeting and thanked his father’s friends and colleagues for the support provided to his family.

- A. **Meeting Schedule** –Chairman Wallwork proposed the quarterly meeting dates of January 18, April 4, and June 27, 2008. Mr. Wallwork requested that ADEQ provide site updates at each of the meetings. Mr. Wallwork requested that a few of the sites be discussed at each meeting until all 35 have been discussed.
- B. **Second Five-Year Report** (Due 2008) – Chairman Wallwork called on any board members that would be interested in participating in preparing the report. The report is required every 5 years per statute. The purpose of the report is to summarize the board’s evaluation of the effectiveness of the program and to provide any recommendations for improving the effectiveness of the program.

II. Approval of June 29, 2007 minutes –

Mr. Lavis made a motion to approve the draft June 29, 2007 minutes. The motion was passed unanimously.

III. Departmental Reports –

- A. **ADEQ** – Chairman Wallwork introduced Andre Chiaradia as a new project manager for the WQARF program. Mr. Wallwork announced that all of the project manager positions have been filled. A total of 9 project managers are on staff for all 35 WQARF sites. Ms. Roberts discussed the following sites:
- B. Broadway Pantano the RI/FS draft has been completed. Cooper and Commerce access issue has been resolved. East Washington Fluff's property owner removed the building pad. ADEQ collected samples beneath the pad and detected arsenic above standards. At the Klondyke tailings site ADEQ has been preparing the design for an Early Response Action at a cost of \$2.3 million to \$3.5 million. The upper tailings will potentially cost \$3-\$4 million, for a total of approximately \$7.5 million. Park Euclid a new task assignment was sent out for the feasibility study. At the Payson site an issue was discussed with the board about a private well that had been installed near the plume. The well could potentially draw contamination from the plume to the new well. ADEQ requested access to this well and has since received access from the well owner. ADEQ will be sampling the well. ADEQ has been working on a DEUR for the Vulture Mill property. Mr. Ringwood signed the DEUR but it is not recordable because it did not meet the requirements of the county. Ms. Roberts indicated that Mr. Underdown has not signed the other DEUR because of some items that are still be negotiated. Mr. Lavis asked what Mr. Underdown wanted in order to sign the DEUR. Ms. Roberts reported that Mr. Underdown is asking for claims for damages to equipment. West Van Buren the RI is expected to be completed by December. 7th Street and Arizona removed 697 lbs of VOCs. Chairman Wallwork pointed out that Klondyke will cost an estimated \$7 million over the next two years and that this cost is nearly half of the WQARF project budget. Ms. Roberts discussed the Nogales Wash PI site and explained that the WQARF program will be funding an inter-connect and conducting a possible early response action at the site. Mr. Lavis asked about the two sites (Western Avenue and East Washington Fluff) as to where they were at in the delisting process. Ms. Roberts replied that a meeting with Ms. Gaylord has not been scheduled. Mr. Wallwork indicated that he would contact Ms. Gaylord to ask about setting up a funding priorities subcommittee meeting. Ms. Roberts also indicated that she would work with Ms. Gaylord to set-up a funding priorities subcommittee meeting to discuss delisting.
- C. **ADWR** – Mr. David Christiana reported that he has hired a new person and expects to fill the unit's other open position next month. Ms. Petersen requested a list of all of sites with completed well surveys to be included in the next WQARF packet.

III. EPA Proposals to List Arizona Sites on the NPL - Chairman Wallwork briefly discussed the location of the sites and the letters received by the governor from EPA. Mr. Fulton discussed the elements of the handouts received by the board

members and the public. Each handout included background information on each of the sites, maps, letters, and a table.

- ASARCO Hayden – Mr. Fulton discussed that ASARCO requested an agreement in lieu of listing and that a meeting is scheduled for next week to discuss ASARCO's proposal. Mr. Fulton discussed how EPA has been performing investigations for many years at the site. Mr. Bark asked about ADEQ's involvement and Mr. Fulton replied that ADEQ has been aware of what EPA is doing at the site. Dr. Bero asked about the HRS score for the site. Mr. Fulton replied that there is a score, but that ADEQ is not aware of what the score is. Mr. Fulton explained that EPA does not release HRS scores on any sites and that they only release the information that indicates whether they have reached a threshold. Dr. Bero asked about the immediate population in the town. Mr. Fulton replied that the population is about 1,200 people in the surrounding area. Dr. Bero asked about how the EPA is primary and how this site was not looked at by the WQARF site. Mr. Fulton replied that EPA looks at numerous sites throughout the state. ADEQ yielded to EPA leads on this site due to resource issues. Mr. Bark expressed concerns over the process that allows EPA to list NPL sites in the state. Ms. Roberts replied that ADEQ is not concurrently looking at the same sites that EPA is. Ms. Barr asked if it was too late to move the site to the WQARF program. Mr. Fulton replied that ASARCO has requested liability protection from CERCLA and EPA is the entity that has the ability to provide the protection. Mr. Lavis asked if the sites ever came to WQARF. Ms. Roberts replied that neither site was in the WQARF program. Mr. Lavis indicated that he had no problem with ASARCO being listed on the NPL. Mr. Bark discussed the budget deficit for the state and the attractiveness of the WQARF programs \$10 million carry over. Mr. Bark asked about what the criteria is for a site being sent to EPA for listing instead of to the WQARF program. Mr. Fulton discussed the ASARCO trust fund and how EPA's access to the fund further engaged EPA at this site. Mr. Bark replied that this type of information was helpful. Mr. Wallwork explained that a member of ASARCO was present at the meeting and if anyone wanted to ask questions of him they could. No questions were asked of ASARCO. Mr. Bark asked if there were any other sites that EPA was looking at and indicated how it would be helpful to present this information to the legislatures. Mr. Fulton replied that EPA is looking to list sites in Region 9 and that EPA looks at all of the sites on CERCLIS.
- Iron King Mine and Humbolt Smelter Site – Mr. Fulton discussed the source locations, gave a brief history of the operations, and the contaminants of concern which are arsenic and lead. Mr. Fulton went on to explain that the site has been in the PASI program for several years and that the Ironite portion of the site is currently in the ADEQ VRP. Mr. Fulton went on to explain how ADEQ has been trying to

work with the volunteer for the Ironite property. EPA conducted a time critical removal action at several properties near the site. Discussions between ADEQ and EPA have been about the actions that we have been trying to get the volunteer to take at the site and the concerns from residents. The owners of the smelter property (Greenfield Enterprises) have indicated that they would like to settle their liability but recognize that because of NPL this may not be possible. ADEQ is helping to facilitate a meeting with EPA and Greenfield Enterprises. Mr. Lavis asked about the liability protection and which entity has the ability to grant that. Mr. Fulton responded that EPA grants liability protection. Mr. Lavis suggested to Chairman Wallwork that a letter be submitted to Director Owens asking what the process is for EPA listing verses WQARF listing. Chairman Wallwork called upon the public for any questions regarding the site. Chairman Wallwork discussed the fact that this raises questions regarding policy issue and asked that ADEQ take these issues back to Amanda and Steve. Chairman Wallwork suggested that questions should be asked about if what the purpose of the funding is for is it to avoid NPL listing or to clean up sites on the list. Mr. Bark indicated that the legislative committee may need to change their message to the legislature when the funding decisions get made. Mr. Fulton indicated that these are good questions regarding how one program yields to another. Dr. Bero discussed that there is a timing issue and the boards interest in how this process works. Chairman Wallwork replied that perhaps a special meeting is required to discuss these issues further. Chairman Wallwork indicated that he will review the calendar and will try to get some more information on this issue.

IV. Action Items

- A. **ADEQ Request for working party expenditures** – Ms. Roberts explained that during the last meeting it was discussed that ADEQ was working on reporting working party expenditures at WQARF sites. Ms. Roberts discussed that a letter has been written and is going through management review. Chairman Wallwork indicated that this item should be included on the next board agenda
- B. **Cottonwood PI site** – Ms. Roberts discussed that Mr. Erwin talked about this site and had indicated that access was not granted. Ms. Roberts went on to explain that ADEQ's RCRA program has conducted inspections at two source facility and that the PI program is still conducting work at the site.

V. Subcommittee Reports

- A. **Budget Subcommittee**
 - 1. **September 1, 2007 Annual WQARF Report**
 - 2. **October 1, 2007 WQARF Progress Report**

Chairman Wallwork discussed that the budget subcommittee reviewed the two reports and that the reports were timely filed. Chairman Wallwork opened the time up for discussion about the reports. Mr. Lavis complimented the staff on

their work for the reports. Mr. Lavis suggested that a smaller group be created to look at the progress of some of the sites. Ms. Roberts discussed the August 2008 site expenditures and explained that the program actually changed the process to expedite encumbrances. The Klondyke and West Osborn Complex sites were discussed in regards to the remedies at the site and that costs for Klondyke will be \$7 million and WOC \$10 million. Ms. Roberts discussed how the program needs to save money for sites such as Klondyke and West Osborn Complex where the anticipated expenditures for the remedies over two years may be \$7 million and \$10 million, respectively. Mr. Lavis commented that in 2009 the program will have some very large expenditures. Mr. Lavis suggested that this be communicated to the legislature. Chairman Wallwork suggested that a coming attractions be included in future reports. Mr. Stoltzfuss suggested that the reports indicate that those funds will be spent in later years. Chairman Wallwork asked Mr. Bark to give the board a heads up on some of the challenges that board will be facing. Mr. Bark indicated that the housing slow down has slowed the economy down and that the state will have a minimum \$600 million deficit. Mr. Bark indicated that the governor plans to cut spending by \$100 million. Ms. Roberts asked the board if they were proposing to change the deal format. Mr. Lavis replied that ADEQ should just provide more information in regards to future expenditures.

VI. Public Comment – Mr. David Kirchner commented on the budget issues and the concerns expressed by the board. Mr. David Kirchner discussed how money was taken from the water protection fund.

VII. Adjournment – The meeting was adjourned.